

### REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated September 30, 2008. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

#### Status of the Claims

As outlined above, claims 11-19 stand for consideration in this application, wherein claims 9-10 are being canceled without prejudice or disclaimer, while claims 11-16 are being amended. In addition, new claim 19 is hereby submitted for consideration.

All amendments to the application are fully supported therein, including Fig. 1. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

#### 35 U.S.C. §101 Rejection

Claims 9-18 were rejected under 35 U.S.C. §101 on the grounds that the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection for the reasons set forth below.

The Federal Circuit Court recently held that a claimed process is surely patent-eligible under 35 U.S.C. §101 if (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. *In re Bilski*, 545 F.3d 943, 966 (Fed.Cir. 2008). [Emphasis added] The court further stated that the use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility. *Id at 962*.

Here, each of claims 11 and 13 recites a search system which is tied to at least a portal server, service servers, a policy management server, and a registry management server. These servers are individual and particular servers which are necessary elements for a system as recited in claim 11 and 13. Therefore, claims 11 and 13 each do not recite a system directed to modules or a program which is software per se, but rather a system tied to particular machines or apparatuses. Accordingly, claims 11 and 13, their dependent claims 10, 12, and 14-18, and new dependent claim 19 must meet the requirements under 35 U.S.C. §101. Withdrawal of this rejection is respectfully requested.

Furthermore, Applicants respectfully request withdrawal of the statements regarding claim 30 and its dependent claim(s) set forth on page 4 of the Office Action is respectfully requested, because “claim 30 and its dependent claim(s)” have never been submitted in the present application.

#### Prior Art Rejection

##### 35 U.S.C. §102(a) Rejection

Claims 9-18 were rejected under 35 U.S.C. §102(a) as being anticipated by Hütch et al. (U.S. Pub. No. 2001/0034771). As mentioned above, claims 9-10 are being cancelled, and therefore, the rejection of claims 9-10 is moot. Applicants respectfully traverse the rejection of claims 11-18 for the reasons set forth below.

According to the M.P.E.P. §2131, a claim is anticipated under 35 U.S.C. §102 (a), (b), and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

#### Claim 11

In a system as recited in claim 11, when element services of a composite service is organized in a hierarchical structure comprising more than two layers, each element service provided by a service server in each layer is obtained from each service server in a hierarchical manner. However, policy information is managed using a search broker and a policy management server while the policy information is not open to the service servers. Accordingly, it can be prevented from leaking the policy information through the service servers structured in multiple layers. (See page 11, lines 4-17 of the specification.) The details regarding the features of the system as recited in claim 11 are as follows.

The search broker searches for a service server that provides an element service in accordance with a search request by the portal server or a service server among the group of service servers, and inquires policy information from policy management server. The policy management server extracts the policy information from the policy database and sends the extracted policy information to the search broker. The search broker inquires from the registry management server information regarding the service server that provides an element service in accordance with the search request, extracts from the registry database the information regarding the service server that provides an element service in accordance with the search request, and sends to the search broker the information regarding the service server that provides an element service in accordance with the search request.

The portal server receives a request of the composite service from the client, requests the search broker to search for a service server matching with a element service in a first stage structuring the composite service, obtains information about the service server matching with the element service in the first stage structuring the requested composite service from the search broker, and requests the element service from the service server matching with the element service in the first stage structuring the requested composite service.

The service server matching with the element service in the first stage provides the element service in the first stage. Each service server which provides an element service requests a search for a service server matching with an element service in a next stage structuring the requested composite service to the search broker, obtains information about the service server matching with the element service in the next stage structuring the requested composite service from the search broker, and requests the element service in the next stage structuring the requested composite service to the service server matching with the element service in the next stage structuring the requested composite service.

The service server matching with the element service in the next stage structuring the requested composite service carries out the element service in the next stage structuring the requested composite service and sends a result of the element service in the next stage to the service server which requested the element service in the next stage. The service server matching with the element service in the first stage sends a result of the composite service to the portal server.

In contrast, Hütch shows that a network portal system 100 is divided into three tiers, e.g. a client tier 301, a middle tier 302, and an information system tier 303. (See Fig. 3A.) The information system tier 303 includes a configuration server 336 and a universal content broker 113 that utilizes universal content providers 331 including a hierarchy content provider 335 and universal content broker content 332. (See paragraph [0130].) However, Hütch merely shows that the universal contents broker 113 obtains contents from universal content providers 331 in accordance with structural information stored in the configuration server and information of client. Hütch does not show or suggest obtaining in a hierarchical manner contents organized in a hierarchical structure comprising more than two layers.

Also, Hütch merely shows a portal system in which various data sources such as HTTP, IMAP and FILE are accessible in a transparent manner. However, Hütch does not show or suggest obtaining various data sources in a hierarchical manner. Rather, in Hütch, when a user accesses an explorer within a browser on a client device, hierarchy service in the network portal system returns a page that results in a virtual hierarchy that is displayed. (See

Fig. 2D and paragraph [0109].) Namely, Hütch merely shows providing contents in a hierarchical view on a display.

Therefore, Hütch does not show every element recited in claim 1. Accordingly, claim 11 is not anticipated by Hütch.

#### Claim 13

Claim 13 has substantially the same features as those of claim 11. As such, the arguments set forth above are equally applicable here. Claim 11 being allowable, claim 13 must also be allowable.

#### Claim 12, 14-18

As to dependent claims 12 and 14-18, the arguments set forth above with respect to independent claims 11 and 13 are equally applicable here. The corresponding base claim being allowable, claims 12 and 14-18 must also be allowable.

#### New claim 19

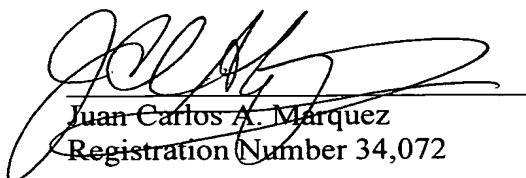
As to new dependent claim 19, the arguments set forth above with respect to independent claim 11 are equally applicable here. The corresponding base claim being allowable, claim 19 must also be allowable.

#### Conclusion

In light of the above Amendments and Remarks, Applicants respectfully request early and favorable action with regard to the present application, and a Notice of Allowance for all pending claims is earnestly solicited.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,



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